

REMARKS/ARGUMENTS

Under the non-final Office Action mailed on May 15, 2003, claims 1-33 were subject to examination. Claim 1-10, 23, 27-30, 32, and 33 were rejected for a variety of reasons set forth in detail in the Office Action; claim 31 was allowed; and claims 11-22 and 24-26 were indicated allowable if rewritten in independent form including all of the limitations of their base and any intervening claims.

By way of this amendment, claims 1, 12, 21, 23, 24, 27 and 30 have been canceled; new claim 34 has been added as a combination of original canceled claims 1 and 12; new claim 35 has been added as a combination of original canceled claims 1 and 21; new claim 36 has been added as a combination of original canceled claims 1 and 24; claim 33 has been amended; claims 2, 3, 5, and 8 have been made to depend from amended claim 33; claims 13 and 16 have been made to depend from new claim 34; claims 25, 26, 28, and 29 have been made to depend from new claim 36, and arguments will be presented below to reconsider and allow presently rejected claim 32.

Because new claims 34, 35, and 36 are combinations of claims that were previously indicated allowable if rewritten in independent form, it is respectfully submitted that these new claims, and those dependent from them, are in condition for immediate allowance.

Claim 33 was previously rejected under 35 USC 103(a) as unpatentable over Graves in view of Taylor and in further view of Jacobson, the Office Action being of the opinion that Graves showed the basic combination of a tamper proof connector fuse but not one with insulated conductor prongs and a blocking member to guard against intentional or inadvertent insertion of foreign artifacts into its live receptacle. The Office Action asserted that the basic structure of Graves could be provided with insulated prongs in the manner of Taylor and a blocking member in the manner of Jacobson. In accordance with the present response, claim 33 has been amended so that its blocking member feature is one that is moveable in response to inserting prongs from a separate plug into its corresponding receptacles, but is otherwise normally biased in a closed position in which foreign artifacts cannot be inserted into the live receptacle. Jacobson's blocking member is purely manually operable as shown and described in Col. 5, lines 35-42. Consequently, there is no suggestion in any of the asserted references to modify Graves to arrive at the invention as now

defined by amended claim 33. Accordingly, it is respectfully submitted that claim 33 as amended, and those claims now depending from it, are in immediate condition for allowance.

Claim 32 was rejected under 35 USC 103(a) as unpatentable over Graves in view of Taylor, the Office Action asserting that, simply because both of these references are in the same field of endeavor, the purpose of the partially insulated prongs of Taylor would be recognized in the invention of Graves. In *CR. Bard, Inc. v. M3 Systems, Inc.*, the Federal Circuit explained that the legal conclusion of obviousness requires that "there be some suggestion, motivation, or teaching in the prior art whereby the person of ordinary skill would have selected the components that the inventor selected and used them to make the new device." Therefore, in challenging the patentability of the claims of an application as being obvious, it is impermissible to reconstruct the claimed invention from selected pieces of prior art absent some suggestion to do so within the prior art. It is respectfully submitted that the teaching of Graves was confined to providing a fused safety plug adapter while that of Taylor was directed principally to a socket having rather elaborate curved receptacle paths intended for use with plugs having flexible prongs that could appropriately track or conform to these paths to make electrical contact. In addition, Taylor provided straight paths that would guide rigid (inflexible) artifacts away from the curved conductive paths to electrically neutral terminal areas where such artifacts would not come into contact with live elements of the adapter. As an additional feature, Taylor mentions that his plug having flexible prongs could be provided with partially insulating sleeves in the form of rubber to protect against shocks caused by shorting across its live prongs. Consequently, even though these references are concerned about electrical safety, the safety problems they set out to solve come from entirely different aspects of dealing with connecting electrical appliances to sources of electrical power. Consequently, there is no suggestion in either that they should be combined to provide different kinds of electrical safety in one device as advocated and claimed by the invention. Indeed, the only suggestion that this may or should be done comes from the Applicant. Therefore, this rejection fails to meet the requirements under '103 as interpreted by the judicial cases, and its withdrawal is respectfully requested.

Appl. No. 10/086,749
Amendment dated: September 9, 2003
Response to Office Action of May 15, 2003

Applicant respectfully requests that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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Date

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